IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA BRYSON CITY DIVISION 2:12 cr 33-2

UNITED STATES OF AMERICA,)	
Vs.)	ORDER
KENNETH ASHE,)	
Defendant.)	
)	

THIS MATTER has come before the undersigned pursuant to the Government's Motion for an Order Finding the Defendant Waives the Attorney-Client Privilege (#112). This motion was filed by the Government as an anticipatory motion. The reason the motion was filed was due to a motion filed by Defendant to withdraw his plea of guilty. It appeared to the Government that Defendant would either testify in regard to the hearing of the motion to withdraw his plea of guilty or he would present as a witness, his prior attorney Mr. Rodney Hasty. The motion to withdraw the plea of guilty was scheduled for hearing before the undersigned on October 31, 2013. At that time, Fredilyn Sison, counsel for Defendant, advised the Court that she wished to withdraw the motion to withdraw the plea of guilty. The motion was allowed. As a result of that action, the Government's Motion for an Order Finding the Defendant Waives the Attorney-Client Privilege (#112) was rendered moot and should be denied.

ORDER

IT IS, THEREFORE, **ORDERED** that the Government's Motion for an Order Finding the Defendant Waives the Attorney-Client Privilege (#112) is hereby **DENIED** as being **moot**.

Signed: November 4, 2013

Dennis L. Howell

United States Magistrate Judge